

REMARKS

The Examiner has indicated that the present Application includes two patentably distinct species: Species A (depicted in Figures 1 to 8) and Species B (depicted in Figures 11-19). The Examiner also states that none of the claims are generic. The Examiner has required Applicants under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicants respectfully point out that MPEP Section 814 states that the Examiner should "read all of the claims in order to determine what the claims cover" and that "the claims directed to each separate subject should be noted along with a statement of the subject matter to which they are drawn." MPEP, pg. 800-56. Further, MPEP § 816 states that the "particular reasons relied on by the examiner for holding that the inventions **as claimed** are either independent or distinct should be concisely stated." *Id.* (emphasis added), *see also* MPEP § 817. Because the Examiner has not identified the portions of the claims that the Examiner feels distinguish the species or otherwise provided reasons for requiring the restriction, Applicants have no clear indication of the reasons why the Examiner is requiring restriction nor do Applicants have any indication as to the claimed elements or limitations that require restriction. Accordingly, Applicants respectfully request that the Examiner provide reasons for deeming that the species are patentably distinct in the context of the claims of the Application.

Applicants respectfully traverse this requirement and provisionally elect Species B depicted in Figures 11-19. Accordingly, Applicants elect Claims 1 to 11 and 13 to 19 as being the claims most closely reading on Species B as identified by the Examiner, and respectfully request examination of Claims 1 to 11, and 13 to 19. Applicants withdraw Claims 12 and 20 to 23.


Applicants respectfully submit that Claims 6 and 17 are generic to the species identified by the Examiner because every element in these claims are included in the figures of both species identified by the Examiner. Applicants request the reinstatement of the withdrawn claims upon a finding that the elected claims are allowable.

Applicants note that the Examiner attempted to contact one of the inventors to seek an oral election. The Examiner did not attempt to contact any of the attorneys of record. Applicants respectfully request that in the future the Examiner correspond with the attorneys of record as identified on the inventors' Power of Attorney and Correspondence Address Indication Form submitted with the Application.

In view of the withdrawal of Claims 12 and 20 to 23 and the election of Claims 1 to 11 and 13 to 19, it is believed that the above-identified patent application is in a condition for the issuance of a Notice of Allowance. Such action by the Examiner is respectfully requested. If, however, the Examiner is of the opinion that any of the drawings or other portions of the application are still not allowable, it will be appreciated if the Examiner will telephone the undersigned to expedite the prosecution of the application.

Please charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 16-1910 (29031.00).

Respectfully submitted,



Thomas A. Kulaga
Registration No. 46,844

Pitts & Brittian, P.C.
P.O. Box 51295
Knoxville, Tennessee 37950-1295
(865) 584-0105 Voice
(865) 584-0104 Fax
tkulaga@pitts-brittian.com